

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL BEHAYLO

Plaintiff,

vs.

CALLAWAY GOLF BALL
OPERATIONS, INC.,

Defendant.

Consolidated For Trial With

JOHN BETTENCOURT

vs.

CALLAWAY GOLF BALL
OPERATIONS, INC.,

Defendant.

CIVIL ACTION NO. 05-30178-KPN

CIVIL ACTION NO. 05-30179-KPN

**DEFENDANT'S PROPOSED VOIR DIRE
QUESTIONS**

Pursuant to Fed. R. Civ. P. 47(a), Defendant requests that the Court permit examination of potential jurors by the following questions:

1. Have you or any member of your immediate family ever been treated in an unfair or discriminatory manner by an employer?
2. Have you or any member of your immediate family ever been laid off by an employer?
3. If so, do you feel that the layoff(s) were unfair or discriminatory?
4. Do you believe that employers should have the legal right to layoff employees who are performing satisfactorily in order to reduce costs?

5. Do you think that a supervisory employee subject to layoff should have the right to "bump" a less senior employee from his/her position in order to avoid layoff?
6. Do you think that an employer who lays off a managerial employee should have to recall that employee?
7.
 - a. Have you or any member of your immediate family ever filed a lawsuit?
 - b. If so, please describe.
 - c. Would any previous lawsuit you or your family has filed affect your ability to give either party here a fair and impartial trial?
8. Do you believe that if an employee brings a lawsuit against an employer, the employer must have done something wrong?
9.
 - a. Do you believe that simply because a lawsuit has been filed there has to be a recovery of money?
 - b. Do you realize that even if you found that the Plaintiff deserved some money award in this case that you could award as little as one cent in damages?

Respectfully submitted,

/s/ Jay M. Presser, Esq.
Jay M. Presser, Esq.
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Dated: February 19, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Defendant's Proposed Voir Dire Questions* was served upon the attorney of record for each other party via electronic filing, on February 19, 2008.

/s/ Jay M. Presser, Esq.
Jay M. Presser, Esq.